

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KELLEY LYNNE EWINGS,

Defendant.

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4:09CR3103

ORDER

This matter is before the court on the defendant's Motion to Continue Trial (Doc. 33). Based on the showing made by the defendant, trial will be continued one week.

IT IS ORDERED that the government's Motion to Continue Trial (Doc. 125) is granted, as follows:

1. The jury trial now set for November 3, 2009 is continued to Tuesday, **November 10, 2009**.

2. In accordance with 18 U.S.C. § 3161(h)(7)(A) & (B), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 3, 2009 and November 10, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel need more time to prepare the case preparation, taking into account the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice.

DATED November 2, 2009.

BY THE COURT:

s/ F.A. Gossett

United States Magistrate Judge